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3 **RESOLUTION NO. 2010 – 33**
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5 **RESOLUTION OF THE VILLAGE COMMISSION OF**
6 **THE VILLAGE OF BISCAYNE PARK EXPRESSING**
7 **SUPPORT FOR THE CITIES OF CUTLER BAY, DORAL**
8 **AND MIAMI GARDENS, AND URGING THE MIAMI-**
9 **DADE COUNTY BOARD OF COUNTY**
10 **COMMISSIONERS TO PROVIDE THESE THREE**
11 **CITIES WITH THEIR RIGHTFUL SHARE OF THE**
12 **PEOPLE'S TRANSPORTATION PLAN SURTAX**
13 **FUNDING FROM THE COUNTY'S 80% SHARE OF THE**
14 **SURTAX, AS ORIGINALLY NEGOTIATED IN GOOD**
15 **FAITH, AGREED TO, AND MEMORIALIZED IN MIAMI-**
16 **DADE COUNTY ORDINANCE NO. 02-116.**
17

18 WHEREAS, in 2002 Miami-Dade County voters approved the People's Transportation
19 Plan ("PTP") and a half-cent sales surtax to be used for the enhancement of transit and
20 transportation throughout Miami-Dade County; and
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22 WHEREAS, previous efforts to implement such a tax had been defeated by the voters,
23 and without support from the municipal leadership in Miami-Dade County, the ballot question
24 most likely would have failed again in 2002; and
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26 WHEREAS then Mayor Alex Penelas worked in good faith with municipal leaders to
27 develop a revenue-sharing concept that could be supported by the existing cities in Miami-Dade
28 County, whereby 20% of the revenue generated by the half-cent sales surtax would be distributed
29 to the cities in existence at the time the surtax was approved; and,
30

31 WHEREAS, on July 9, 2002, the Miami-Dade County Board of County Commissioners
32 ("BCC") adopted Ordinance 02-116, which expressly provides that 20% of the half-cent sales tax
33 proceeds must be distributed solely among the existing cities ("20% Allocation"); and
34

35 WHEREAS, Section 29-124(g) of Ordinance No. 02-116 specifically and clearly
36 provides that newly incorporated municipalities will have the right to negotiate with the County
37 for their pro rata share of the sales surtax from the County's 80% portion, and that providing
38 funding to new cities would not affect the 20% Allocation provided to the municipalities that
39 existed at the time the question was approved by the voters; and
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41 WHEREAS, since 2002 three municipalities have been permitted to incorporate in
42 Miami-Dade County: Cuter Bay, Doral and Miami Gardens ("New Cities"); and
43

44 WHEREAS, the municipalities currently receiving the surtax have consistently expressed
45 support for the New Cities to receive funding as provided for by Miami-Dade County in
46 Ordinance No. 20-116; and
47

1 WHEREAS, House Bill 1205 was approved during the 2009 Florida legislative session,
2 requiring Miami-Dade County to renegotiate the interlocal agreements for distribution of the
3 surtax proceeds every five years to include the New Cities; and
4

5 WHEREAS, a working group was convened earlier this year by Miami-Dade County
6 with representatives from municipalities and the County to discuss the issue, and the group has
7 met on at least three occasions to discuss options proffered by the County, without reaching
8 agreement on a solution; and
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10 WHEREAS, the County administration has proposed alternate funding of the New Cities
11 through a combination of a "Hold Harmless Option" in conjunction with a relaxation of the
12 current municipal maintenance of effort requirement; and
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14 WHEREAS, the Hold Harmless Option proposes to provide PTP revenues to the New
15 Cities through growth in the coming years as the economy recovers, and ultimately from the 20%
16 Allocation; and,
17

18 WHEREAS, the Hold Harmless Option Allocation will dilute the negotiated 20%
19 Allocation provided to the municipalities that existed at the time the PTP surtax was approved by
20 the voters; and
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22 WHEREAS, current economic pressures impact upon municipal funding which has
23 become more scarce, resulting in program and service cuts, increasing the importance of
24 equitably distribution of funds; and,
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26 WHEREAS, the Village of Biscayne Park anticipates receiving PTP revenues in the
27 amount of \$73,322 in fiscal year 2010-2011; and
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29 WHEREAS, any reduction of revenue to the Village will likely impact upon the services
30 and quality of life afforded by the Village for its residents and consequent financial hardship for
31 our small municipality; and
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33 WHEREAS, the Village of Biscayne Park Commission opposes the "Hold Harmless
34 Option" but rather supports a plan whereby the New Cities of Cutler Bay, Doral and Miami
35 Gardens are provided their rightful share of PTP surtax funding as originally provided in Miami-
36 Dade County Ordinance 02-116.
37


38 NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS OF THE
39 VILLAGE OF BISCAYNE PARK, FLORIDA, that this Commission:
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41 Section 1: Supports the cities of Cutler Bay, Doral and Miami Gardens to receive their
42 rightful share of PTP surtax funds as provided in Miami-Dade County Ordinance No. 02-
43 116.
44

45 Section 2: Urges the Miami-Dade County Board of County Commissioners to reject any
46 plan or proposal that dilutes the 2002 vote of our citizens through the People's
47 Transportation Plan, and to immediately fund cities newly incorporated after 2002 from
48 the County's 80% share as originally negotiated in good faith, agreed and memorialized
49 in Miami-Dade County Ordinance No. 02-116.


Section 4: Effective Date: This Resolution shall become effective immediately upon its passage and adoption by majority vote of the Commission of the Village of Biscayne Park, Florida.

**The foregoing resolution upon being
Put to a vote, the vote was as follows:**


Roxanna Ross, Mayor

Maria C. Camara
Maria Camara, Village Clerk

Approved as to form:


John J. Hearn, Village Attorney